

REMARKS

The Office Action dated May 13, 2003 has been carefully considered. Claim 1 has been amended. Claims 12 and 13 have been cancelled. Claims 1-11 and 26 are in this application.

The limitations of dependent claims 12 and 13 have been added to claim 1. No new matter has been entered.

The previously presented claims were rejected under 35 U.S.C. § 102 as anticipated by Goetz et al. Applicant submits that the teachings of this reference do not disclose or suggest the invention defined by the present claims.

The applicant wishes to begin by respectfully pointing out that for a prior art reference to be an anticipatory reference - the accused claim must read-on the disclosure of the prior art reference. Conceptually, it is a well-established basic principle of patent law that if a claim would preclude the prior art, it is anticipated. *See Bristol-Myers Squibb v. Ben Venue Laboratories*, 246 F.3d 1368, 58 USPQ2d 1508 (Fed. Cir. 2001). "[I]t is axiomatic that that which would literally infringe if later anticipates if earlier." The Applicants respectfully urge the Examiner to recognize that Goetz et al. cannot, as a matter of law, anticipate the subject matter of the claims presented herewith because the claims do not read-on the present disclosure.

Goetz et al. describe a medication management system in which the system includes a data transfer interface for combining information from a retrievable patient database, a retrievable physician database and a pharmacist computer. The patient component is a microprocessor that is sized to be carried on the person.

In contrast to the invention defined by the present claims, Goetz et al. do not disclose a method or system for generating a report of a one-page, one-sided sheet correlating data of emergency contact information, medical history information, personal information and medication information which report is readily observable by emergency personnel in a life-saving situation. The present invention has the advantage that the sheet is immediately readable by the human eye in an emergency situation and can be readily carried on the person. Thus, the patient does not need to understand or carry a microprocessor to access the report and emergency personnel do not need a microprocessor to access the report. There is no teaching or suggestion in Goetz et al. that information can be assessed from a report without the use of a

portable computer device. Thus, Goetz et al. has the disadvantage of needing a portable computer device to read the information, which does not allow immediate access. Moreover, Goetz et al. teach away from the present invention in that emergency personnel must scroll through the device to find information, *see* Figs. 26-30, which does not allow information to be readily observable in a life-saving situation. In contrast, in the present invention, key information of emergency contact information, medical history information and personal information is provided on the one-page, one-sided sheet.

Furthermore, Applicant submits that the data of Goetz et al. is arranged on linkable screens. Accordingly, even if the screens were printed, the printing of pages of the screens would result in multiple sheets of information and would not result in the one-page, one-sided sheet of the present invention. Accordingly, Goetz et al. do not teach or suggest all of the claimed features of the present invention since Goetz et al. do not teach or suggest a method for generating a report in which the report is immediately readable and is on a one-page, one-sided sheet.

Claim 26 was rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 6,421,650 to Goetz et al. Goetz et al. teach display of drugs to be administered by proceeding through screens as shown in Figs. 40-43.

In contrast to the invention defined by the present claims, Goetz et al. do not teach or suggest a report including medical information correlated with a graphic illustration on a one-page, one-sided sheet. Rather, Goetz et al. teach scrolling through pages of a display, which has the disadvantage of being difficult to operate by elderly patients. In addition, Goetz et al. do not teach or suggest providing a graphic illustration of the size and shape of the medication. In the present invention, the use of a graphic symbol has the advantage of allowing elderly patients to be able to easily recognize the medication. There is no teaching or suggestion of these advantages in Goetz et al. Accordingly, the invention defined by claim 26 is not obvious in view of Goetz et al.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance and requests that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is

Serial No. 09/485,899

Docket No. 4402-103 US

believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: August 13, 2003



Diane Dunn McKay
Reg. No. 34,586
Attorney for Applicant

MATHEWS, COLLINS, SHEPHERD & MCKAY, P.A.
100 Thanet Circle, Suite 306
Princeton, NJ 08540
Tel: 609 924 8555
Fax: 609 924 3036